



**CITY OF LONG LAKE
PLANNING COMMISSION MEETING MINUTES
February 8, 2022**

CALL TO ORDER

City Clerk Moeller administered the Oath of Office to new Planning Commission member, Lori Goodsell.

The meeting was called to order at 6:30 pm by Chair Adams.

Present: Chair: Roger Adams; Commissioners: Steve Keating, Virginia See, Lori Goodsell, and Anita Secord; City Council Member/Liaison: Mike Feldmann

Staff Present: City Administrator: Scott Weske; Planning Consultants: Hannah Rybak and Jared Johnson

Absent: None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE AGENDA

Commissioner See moved to approve the agenda, as presented. Commissioner Secord seconded. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of the December 14, 2021 Planning Commission Meeting

A motion was made by See, seconded by Secord, to approve the Consent Agenda as presented. Ayes: all.

OPEN CORRESPONDENCE

No one was in attendance to address the Planning Commission during Open Correspondence.

BUSINESS ITEMS

- A. Recommendation for Appointment of Planning Commission Chair and Chair Pro-Tempore Positions for 2022

Commissioner Goodsell moved to nominate Roger Adams to serve as Chair in 2022. Commissioner Secord seconded. Ayes: all.

Commissioner Secord moved to nominate Steve Keating to serve as Chair Pro-Tempore. Commissioner See seconded. Ayes: all.

B. Industrial Districts Zoning Ordinance Amendment Options

Planning Consultant Jared Johnson, WSB, stated that the intent of this agenda item is to further the discussion on the possible Industrial zoning district amendments specifically related to outdoor storage of materials and equipment, as well as paving requirements. He reviewed the three possible amendment options put together by staff and explained that the options were drafted based on best practices and past input from the Commission and the City Council. He gave a brief overview of the existing ordinance language and provided a comparison of the three amendment options for Commission consideration related to outdoor storage, parking and paving requirements. He explained that staff is recommending Option #1 and noted that staff is looking for feedback on what the Commission feels the most desirable modifications may be.

Regarding the recommendation for solid screening fencing, City Planner Rybak clarified that for screening, the differentiation is that sometimes people will place slats in a chain link fence and the City has accepted that for screening. The problem is that those slats can wear over time and many times have not been replaced when needed. She stated that staff would like the Commission to discuss the value of requiring solid fencing or allowing chain link with slats. She indicated that slats could continue to be allowed but they could include a requirement that if they were in a state of disrepair, that they would be required to be replaced. She added that the City had sent letters to all the owners of properties in the Industrial districts and some of them are in attendance at tonight's meeting to offer their input.

Chair Adams commented that he would be very interested to hear what the property owners may have to say because that will be very important to him. He indicated in many cases they will be talking about businesses that have been in the City for 50 or more years and who are responsible for a substantial portion of the City's property taxes. These businesses provide necessary services for the people in the community, and his goal would be to find a happy medium between the City's needs and the industrial area property owners' needs. He questioned whether a boat would be considered a vehicle.

Rybak responded that a boat would not be considered a vehicle. Boats would be considered outside storage, and 'vehicles' would be referring to street legal vehicles associated with a business.

Chair Adams asked about a Police impound lot as an example.

Rybak replied that an impound lot would also be considered exterior storage because the purpose of the business is storage of vehicles, and they are not being driven associated with the business.

Commissioner Keating asked whether there would be any type of 'grandfathering' for existing businesses if the City makes these changes. He questioned whether approval would mean that those businesses had to acquiesce and come into compliance with the new rules.

Chair Adams indicated that he believes the hope is that they would come into compliance.

Rybak explained that the legal non-conforming status applies to businesses that were in compliance with the current Zoning Ordinance on the date that the new one is adopted. She noted that the City does not know the status of legal non-conforming verses just non-conforming for the majority of the

parcels. She stated that the goal with this would be to allow a majority of property owners to voluntarily come into compliance because they want to.

Kevin Krolczyk, owner of Mint Roofing (formerly Dalbec Roofing) at 2285 Daniels Street, asked what would determine proactive enforcement and noted that he has seen people do things that did not follow the current ordinance. He recalled that he has heard that something is done only if someone files a complaint. He questioned how it would be decided when City personnel would be proactive versus the complaint based approach.

Chair Adams responded that the City has limited capabilities to enforce the ordinances because they do not have a Code Compliance officer that drives around looking for people out of compliance and have relied on complaints. He shared a personal example and explained that that he recently put up a fence because his neighbor did not like the look of his wood pile. He explained that during the summer months it could not be seen from her yard, but she did not like the look of it and kept complaining to the City. He properly located the fence and the day after it went up, that same neighbor was calling to complain about the location of the fence because it is seven feet from the corner of her garage and one foot from the property line. He pointed out that there is a 10 foot side setback in the City but his neighbor's home was built in 1974 and the 10 foot setback came into existence in 1979. There is a similar situation with businesses because some may have been operating before any ordinances were enacted. He welcomed the property owners in the industrial area to share their thoughts on the options presented and explain to the Commission how they would affect their businesses.

Commissioner Secord voiced concern about finding a way to honor the uniqueness of each business and noted that they are all situated differently on their lots.

Chair Adams asked about the front right-of-way setback requirement.

Mike Personius, owner of Chunk's Auto at 2220 Daniels Street, indicated that the setback is 50 feet.

Rybak reviewed the recommended option and noted that it seems to be consistent with what other cities do, would generally work for most properties, and allow them to have an exterior storage area.

Hans Frees, owner of Outdoor Escapes at 2345 Daniels Street, asked about existing fencing currently located within the setback.

Rybak replied that they would be legal non-conforming. She added that the Commission would also be interested to know the property owners opinions on the City's reactive enforcement only when a complaint is received or if they would be supportive of the City doing a sweep to notify property owners who are out of compliance.

Mr. Personius stated that his business was the very first building that was built in the industrial park and he has been there for 30 years. He recalled that the City used to come through and write little notes and then call the business owners about what they had found, and that just really 'stirred up the beehive' so he does not like that idea. In the past, if they did anything to their property, it seemed like the next thing was the City coming to say, "because you did this, now you have to do this, this, and this." He noted that he is glad to see the City looking for ways to allow them more leeway because it has usually been just getting more restrictive as they go.

Chair Adams gave the example of Elite Auto because their lot goes right up to the right-of-way of County Road 112. He indicated that there is no way they could even operate if the City said they cannot have anything within 50 feet of that right-of-way, and part of their inventory is parked in front of their building.

Mr. Personius stated that his understanding is that Elite Auto would be considered legal non-conforming.

Rybak confirmed that they are non-conforming right now, but the City does not know if it would be 'legal' non-conforming. She stated that they have been around a long time, but noted that they were not in compliance with the current ordinance.

Chair Adams remembered that there had been a lawsuit between them and the City many years ago and they won.

Rybak indicated that would mean they are most like a legal non-conforming situation, but reiterated that right now the business is not in compliance with the ordinances that are on the books.

Chair Adams asked if the City would appreciate it if they put screening fence in.

Rybak responded that the City would absolutely appreciate that action. She clarified that the proposed ordinance changes would not make matters any worse for anyone who has anything in existence today, because whether they are legal non-conforming or just non-conforming, they are non-conforming and this will not take anybody that is in conformance now and put them out of conformance.

Chair Adams believed at the last meeting when the Commission talked about the issues in the Industrial districts, 50% of the lots do not have a permissible location for exterior storage under the current code, 73% are paved, and 46% have the primary building located towards the rear of the lot. He reiterated that it was important to remember that Long Lake is not Maple Grove who started with an empty gravel pit.

Michael Crilly, Foodliner, Inc. at 2160 Daniels Street, mentioned that from what he understands they have never been in trouble for violating City Code. He was unsure if that was because nobody had complained or if they were truly in compliance. He stated that they have a lot of vehicles there and noted that it does them no good to have trailers just sitting there. For their building, there is just enough room to drive around the back of it, but there is parking on the side. As far as screening, some things would look better screened, but he gave the example of the town where he lives in who struggled with the issue of what looks worse, stuff parked there or 90 walls over and over with different colors, shapes, and sizes.

Mr. Frees stated that his business has been in the City since 2008. He noted that they are very appreciative that the City is being proactive and getting them involved in giving their feedback. He recognized that with the different buildings and lot parameters, he understands that this will a challenge. He shared that he does not have a paved parking lot - being in landscape construction, they are always worried about wetlands, runoff, and hardcover. He commented that he would be a bit more opposed to paving the entire storage areas for that reason, but is open to the idea for access areas.

Weske mentioned that staff had also previously conversed about the idea of requiring paving a bit past the curb edge so the dirt and mud from wheels does not get into the sewer system from the side streets.

Mr. Frees stated that he believes Option #2 had the 60-foot paving option and asked if it was from the right-of-way or the setback.

Rybak replied that it would be from the property line, not the setback, and would include the setback. She indicated that this is one option that she thinks may be appropriate to be added to Option #1 rather than just full paving.

Chair Adams agreed because he thinks most of the Planning Commission is not interested in increasing impermeable hardcover more than necessary.

Mr. Frees stated that he would also like to see the storage opened to other small businesses.

Rybak asked for Mr. Frees' thoughts on leasing storage space not having to do with the primary business on site. She questioned if he would be amenable to presenting that to the City so it could be verified that the storage on the property is in compliance and was adequate area for that use.

Mr. Frees confirmed that he would be amenable to that option.

Charles Glossop, ACMG Properties, introduced himself and shared that he was the minority owner and his son, Alex, was the majority owner of Hantho Outdoor Services. They own a few landscape businesses and recently bought the former Tonka Auto & Marine property with the intent is to complete a few upgrades. He stated that they have a unique business and have somewhere between 100-120 employees. They have been in business in the area for over 35 years, they like what the community is doing, and want to support the other businesses in town. He gave examples of buying their off road fuel from a conveyor that is also in the industrial area and utilizing the hardware store for many of their needs. He explained that his biggest concern is that they want to add some buildings to the property so they can operate more efficiently. Because they are in the snow and landscape business, much of their equipment goes out in the October timeframe to projects in and around the seven-state area that they service. He noted that they bring a lot of that equipment back in around April or May in order to repair and store it. He indicated that it is very important for them to have gravel areas for their business, but they do understand the need for doing some blacktopping off the street in order to not move any dirt onto the City streets. He stated that they do not want to be heavily controlled in how they run their property. They want to comply and be good citizens, but they also need to be able to use the facility for storage. He offered examples of some of the storage activity that takes place on their lot, such as pallets of hardscape materials and equipment for mowing crews. They expect to have about 30-50 employees who will work out of their Long Lake facility who will spend money at the businesses in town. He noted that his goal is to be able to leave a legacy for his son, Alex; and hopes that he will be able to run the business 30 years from now without being handcuffed by the City. He believes the other business owners would agree that they want to be allowed to do their business without a lot of restrictions. He added that if there are certain standards that they need to comply with and work within, he is happy to do that, but they have to be able to not be pointed at every 10 to 15 minutes and told, 'you can't do that'. He emphasized that they need the freedom to run their businesses, produce cash flow, get an return on their investments, and be able to pay property taxes. He noted that he is grateful that the business owners have been allowed to speak to the Commission on this

issue and asked them to move forward with the least restrictive action possible to allow them to run their businesses.

Commissioner Keating commented that Mr. Glossup raised a very good point about the current economic environment and the difficulty for a small business to make itself grow because that has gotten much harder. He stated that to some extent, you can't have rose colored glasses on and you have to be realistic in how they look at this issue.

Commissioner Secord added that she agreed and noted that we do live in a free country.

Chair Adams indicated that the primary reason there is the wealth that is in this country is from something called personal property rights.

Mr. Krolczyk reported that their business had moved to Long Lake in 1980 from Minnetonka and he and his wife have owned the company since 1995. He stated that he would add to the comments made already that one of the unique things is the size of the smaller properties in the community. About a year ago they had sold their former location off of Willow Drive to a late 20-something year old and there are not too many communities where a young person would have the opportunity to buy a piece of property to run their business. He agreed with everything that Mr. Glossup had shared and noted that he used to be one of his tenants when the business was much smaller. He commented that when it comes to enforcement, he does not really have an issue with the City pointing out things that would bring you up to total compliance with a new ordinance, but he agreed that he does not want to be pestered about that. Back in the early days it felt like there were people who felt he should not do anything and 'had to do this' and 'had to do that'. With respect to enforcement, one of the things he has always shook his head about is with the current ordinances, people are doing things that are clearly things that should not be done, but because nobody said anything or complained, nothing happens. If the City is going to do some enforcement, he believes it should start with the little things, like a for sale/for rent sign which is not supposed to be larger than 16 square feet and he has seen larger signage on properties. He stated that he would like to see the City look at the small things rather than saying things like 'you have to pave everything'. He stated that over the years he has observed situations and thought to himself, 'I know you aren't supposed to do that', but nobody said anything. He reiterated that if the City will do enforcement, he would like to see them take a look at the little things that will be able to be easily addressed, such as the size of signage.

Commissioner See indicated that it sounds like part of the problem is that there has been a lack of communication and a discrepancy in the way the City has been handling many things over the years. The property owners in the industrial area are noticing it and wondering why nothing is being done, and also have a lot of questions about what they should and should not do and are looking for some direction. If they are told what to do but then the City doesn't enforce it and someone complains about something that you didn't even know about and that is getting enforced, the question becomes, 'what am I supposed to do?'.

Mr. Krolczyk agreed that would be a part of the issue and explained that he knows there have been things done because people know it will not be enforced.

Commissioner Secord noted that some people are just trying to get away with not being compliant.

Mr. Krolczyk stated that is probably true in some cases.

Commissioner See added that some of them are probably ignorant of the rules.

Mr. Krolczyk added that he thinks sometimes the thought process is that they will just ask for forgiveness rather than permission. He understands the City does not have a full-time person to enforce these things, but noted that he knows Public Works employees have to notice some of these issues.

Weske clarified that City code enforcement has always been complaint based.

Commissioner Goodsell commented that she feels it is silly to have rules that the City does not enforce.

Mr. Krolczyk indicated that he wants the community to look nice and he does not want to be a complainer, but there have been numerous times where he just kind of shook his head about some of the things that have been done. When he has seen things go up he thought to himself, 'I am sure someone will complain about that', but apparently nobody did, so then that becomes a new standard for the next 20 years. There is a part of him that questioned why the City is making new rules when it does not seem like they are enforcing the current rules anyway. He reiterated that if the City is going to start with enforcement, he would suggest starting with little things and perhaps people would take a look at the ordinance a bit closer before they chose to do something.

Chair Adams stated that the point here is to say that the vast majority of the businesses in the Industrial districts are not in compliance with the current ordinance and could not be in compliance, even if they wanted to. The thought is whether the City can come up with revised ordinance language to offer opportunity for businesses to become compliant. Long Lake is not Maple Grove and does not have a big gravel pit that they can level out and start laying out streets and businesses from scratch. The businesses located in the Industrial districts provide necessary services to the City. He noted that there are communities nearby that do not allow outdoor storage at all and he is glad that Long Lake does allow it. He stated that of the options presented, staff is recommending Option #1, which is kind of in the middle but explained that he personally leans a bit more towards the least restrictive option.

Members of the audience expressed their agreement.

Chair Adams felt with the least restrictive option, businesses would most likely be able to voluntarily comply.

Mr. Krolczyk voiced agreement for the least restrictive option and for encouraging people to do what they can to keep trying to bring things into compliance wherever possible.

Chair Adams mentioned that Option #2 says that there would be no limits on outdoor storage, but also says you have to have it screened and back from the right-of-way.

Rybak recalled that there was a question raised about why the City would create new regulations. She emphasized that none of the options are about creating new regulations and all three options are, in fact, relaxing existing regulations.

Commissioner Keating noted that having limited provisions gives some leeway to work within the program and he thinks it is inherent upon the City to go back and say that they are partners with the businesses in this.

Weske mentioned that one thing that has been seen in the past is that there have been complaints about the small things, letters have been sent, but then people read it and seem to just toss it aside because, in their mind, it has not been enforced in 35 years, so why would enforcement start now. He stated that there is a process in place to enforce code, but the letters do not do much. Enforcement comes down to how far the City wants to 'go down the rabbit hole' and how much taxpayer money they want to use to chase a non-compliant issue. The reason issues have compounded over the last 30 years is that the small things were still ignored even by the person who received a letter. He stated that it is not just the City twiddling their thumbs, but rather saying to themselves that they sent a seventh letter this year to the same address, and the property has not replied or complied. The next step beyond letters in the code enforcement process is more aggressive, but it comes with an expense or repercussions on all parties.

Commissioner Goodsell recognized that there is an expense to bring a property into compliance, for example with screening and paving. She questioned if there was some ability for the City to provide assistance with rehabilitation by giving low or no interest rate loans in order to make it easier for businesses to complete some of these things.

Weske responded that there is grant money available through the EDA if they were to apply for a beautification of a district loan. He stated that he does not believe it was for matching dollars, but he cannot remember the details. With time, the EDA may have no more property to buy, but there could come a time when the funds could be released back into the community with low rate loans. He indicated that most of the time, this would be like a gap loan for a small business who could not quite get all their financing and the EDA could provide a reduced interest rate loan. He indicated that he thinks this may be something that could be set up for the future by the EDA.

Commissioner Goodsell noted that she would personally like to see more screening, such as a living screening, rather than a falling down wood fence or slats and would also like to see some additional paving so that gravel and debris does not get washed into the lake. She explained that she doesn't have a real preference on the storage issue. She noted that she has a brick and mortar chiropractic practice and if she wanted to make money a different way, she would like to be able to rent part of her space to an acupuncturist, just like they want to be able to store something different on their property. She stated that she did not think anybody should have any say in what she wants to do to her business if it is not impacting anyone else.

Mr. Frees asked about the timing related to the new ordinance stipulations and if there would be a transition period given to the existing businesses.

It was the consensus of the Commission that there should be a transition period for businesses to come into compliance.

Rybak reiterated that all of the proposed amendments to the code are less restrictive than the current ordinance. She noted that this may bring businesses that are out of compliance right now, into compliance on day one.

The Commission discussed concerns about weeds along the fence lines.

Mr. Personius stated that there are ordinances for businesses and also ordinances for residents; however, the City seems to always come back to the business owners and say 'comply' repeatedly.

Weske stated that this goes back to the code enforcement letters that are ignored and noted that residents oftentimes ignore the letters as well.

Mr. Personius added that he has gotten letters in the past that he was out of compliance with, but there are 10 other people down the road who have the same thing and the response from the City is, "well, if you would like to make a complaint, then we will write them a letter too." He stated that if they are going to pick on one, he doesn't understand why they wouldn't do it as a blanket action on everybody.

Weske responded that perhaps that is something that can be addressed after this ordinance project is complete. He noted that the City could send letters out to each business letting them know the actions that they would need to undertake in order to get them into compliance.

Mr. Glossop commented that their goal is to run profitable businesses. They have invested in the real estate of the community which means it is in their best interest to protect the investment that they have made by doing small upgrades as and when they can afford to. They could not do all the improvements, but could do pieces of the improvement. He explained that for them to be able to operate a profitable business, they need to have a large storage yard where they can bring equipment and materials in and out.

Michael Vollmers, Hantho Outdoor Services, recalled that he was tasked three years ago with finding a facility for their company and agreed with the earlier comment by Chair Adams that there are a lot of cities in which they were not welcome because they wanted outside storage. Long Lake's industrial park is already unique, but he feels that it will be more and more unique in comparison with other cities. In looking at the options, he feels 50% is acceptable and would help them be in compliance. He noted that they employ about 20 kids from Rockford High School who have realized that this is a pretty good career with a good future.

Chair Adams asked for clarification that he was saying that he would like to see 50% of the lot be able to be used for outdoor storage.

Mr. Vollmers indicated he would like to see 75% available for outdoor storage, but could accept 50% and noted that he currently has space in St. Louis Park where he cannot have outside storage.

Chair Adams paraphrased a quote from an early President who said, "If what you intend to do neither injures me, nor picks my pocket, what is it to me?".

Mr. Vollmers stated he felt that described Option #2. He explained that they bought the building knowing that they would be putting some money into fixing the outside. City Planner Rybak had contacted them within about a month of closing to start discussing the plan and he has not gotten back to her yet because they wanted to kind of try to get a feel for things before they moved too far down the road. He noted that they keep their Rockford and St. Louis Park facilities nice and clean. They want to be a good tenant and a good partner for the City and he believes the other business owners feel the same way, but they just want to run their businesses.

Chair Adams thanked the business owners for coming to the meeting in order to share their input with the Commission. He clarified that this meeting was simply for input and an official public hearing will be held on March 8, 2022 before a recommendation is made to the Council.

Rybak confirmed that staff will send notice of the public hearing to all of the property owners in the Industrial districts. She asked the Commission to pick whichever option they feel is the best and then they can discuss things in greater detail to see if the Commission would like to see anything tweaked. She noted that based on the discussion, she thinks the option the Commission is closest to supporting would be Option #2. She explained that Option #2 would not require storage to be associated with the principal business on site, which means somebody could lease space for storage to somebody else. She stated that she had asked if the business owners would be amenable to having the City review that to clarify that their property is in compliance with storage and does have excess space available. Doing so would basically be a compliance check and she noted that the City would not want a business who is already out of conformance with their storage to then add more storage which would increase its non-conformity by leasing to someone else.

Chair Adams noted that he would support Option #2.

Commissioner Goodsell stated that she would like to see language that requires screening to be solid or living and something that cannot be seen through.

Rybak replied that staff can encourage vegetative screening, however, Industrial districts are not the most conducive to growing plants. She noted that there may be areas where that would be more than adequate and where vegetation would be a good addition.

The Commission discussed legal non-conformity status that runs with the land until it is discontinued for a year or more.

Rybak noted one thing that was not discussed was that technically, corner lots are not supposed to be used for outdoor storage. She stated that this option specifies that the corner lot can be used for outdoor storage, if it is screened. She asked if the Commission felt that there should be some compliance check language added in the case where people want to lease outdoor storage space.

There was consensus of the Commission to add compliance check language.

Commissioner See stressed the importance of keeping communication open between the City and the property owners.

Rybak explained that this information, including the Commission's recommendation to go with a modified Option #2, will be shared with the Council at their next meeting.

Chair Adams noted that he will plan to attend that meeting in case they have any questions.

OTHER BUSINESS

A. Council Liaison Report

Councilmember Feldmann gave an overview of recent Council activities.

B. Commission Member Business

Snowball Open - Commissioner Secord asked about the Orono Lions Snowball Open golf tournament. Chair Adams shared that it went really well, there were about 600 participants, and he believed everyone had a good time.

C. Staff Business

No other staff business was discussed.

ADJOURN

Hearing no objection, Chair Adams adjourned the meeting by general consent at 7:53 pm.

Respectfully submitted,

Scott Weske
City Administrator